IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No 363 of 2005

Ravindra singh Kshetri
S/o Shri Jeet Bahadur
R/o Nehru Gram, Thana Rajpur
District Dehradun. Applicant

Versus

1 State of Uttaranchal
2 Japendra Singh s/o Shri Harcharan Singh
R/o Utsav Vihar
Near Nandlal Nursery
Kanwali Road
P.S . Vasant Vihar ,Dehradun

Opposite Parties

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr. P.C has been filed by Ravinder Singh Kshetri for quashing criminal proceedings in Criminal Case No. 4059 of 2004 Japendra Singh vs Ravinder Kshetri pendidng before the court of Judicial Magistrate , CBI, Dehradun.

Brief facts of the case giving rise to this petition are that a complaint was filed by Japendra Singh opposite party No. 2 against the petitioner under Section 138 Negotiable Instruments Act before the court of the Judicial Magistrate, CBI, Dehradun.

The learned court below was pleased to peruse the documents placed before it and thereafter came to the conclusion that there is a prima facie case to proceed against the accused/petitioner under Section 138 of Negotiable Instruments Act. The trial court accordingly summoned the petitioner vide order dated 4.12.2004.

The petitioner has therefore, filed this petition for staying the proceedings in the criminal case pending against him.

Heard Ms Sanjana Madan, learned counsel for the petitioner, learned AGA and perused the record.

The contention raised by the learned counsel for the petitioner relates to the factual aspect of the matter which can be assessed and examined at the stage of trial by the trial court.

The learned counsel for the petitioner could not point out any abuse of process of court.

At this stage I am not supposed to embark upon the inquiry as to the reliability of the evidence and sustainability of accusation. The evidence is yet to be collected before the court below and at this stage it will be pre-mature for me to come to a definite conclusion.

The petition lacks merit and is liable to be dismissed.

Accordingly, the petition under Section 482 Cr. P.C is dismissed in limine.

(B.C. Kandpal, J)

27.10.2005
nbj